

**SUMMARIZED MINUTES
SCOTTSDALE CITY COUNCIL
TUESDAY, MARCH 22, 2005**



**CITY HALL KIVA
3939 N. DRINKWATER BOULEVARD
SCOTTSDALE, AZ 85251**

CALL TO ORDER

Mayor Manross called to order a Regular Meeting of the Scottsdale City Council on Tuesday, March 22, 2005 in the Kiva, City Hall, at 5:00 P.M.

ROLL CALL

Present: Mayor Mary Manross
Vice Mayor Betty Drake
Council Members Wayne Ecton, W.J. "Jim" Lane,
Robert Littlefield, Ron McCullagh, and Kevin Osterman

Also Present: City Manager Jan Dolan
City Attorney Joseph Bertoldo
City Clerk Carolyn Jagger

PLEDGE OF ALLEGIANCE

Troop 2248, 3rd Grade of Cheyenne Elementary School, Troop Leader Regina Harrison

INVOCATION

Pastor Ray Barton, Scottsdale Bible Church

PRESENTATIONS/INFORMATION UPDATES

City employee Connie James, Director of Human Services, was recently awarded the Kris Bell Excellence Award from Arizonans for Prevention in recognition of 25 years of dedicated and innovative service in the prevention field.

PUBLIC COMMENT

Randy Mueller, 10161 E. Desert Cove, 85260, presented a petition (attached) asking the City Council to halt the road construction project on 96th Street and all other road projects involving roundabouts and traffic circles.

NOTE IN ACCORDANCE WITH PROVISIONS OF THE ARIZONA REVISED STATUTES THE SUMMARIZED MINUTES OF CITY COUNCIL MEETINGS ARE NOT VERBATIM TRANSCRIPTS. ONLY THE ACTIONS TAKEN AND DISCUSSION APPEARING WITH QUOTATION MARKS ARE VERBATIM. DIGITAL RECORDINGS OF CITY COUNCIL MEETINGS ARE ON FILE IN THE CITY CLERK'S OFFICE.

Cary Ley, 2571 N. Miller Road, 85257, stated his belief that conflict of interest existed in awarding the Rose Garden RFP to Rose Garden Partners, LLP as Vice Mayor Drake previously worked with Fred Unger. Mr. Ley requested that the contract be rescinded. In addition, he asked that the Rose Garden RFP be revisited, and that another vote taken with Vice Mayor Drake recusing herself from voting.

Mike Aloisi, 6846 N. 72nd Place, 85250, read a letter he is sending to President Bush regarding his desire to increase the death benefits for law enforcement officers.

Eric Nesvig, 6144 N. 77th Place, 85250, speaking on behalf of Burythetanks.com, discussed the Notice of Claim recently served on the City regarding construction of tanks at the Paradise Valley Arsenic Treatment Facility located on Cattletrack.

Daniel Basinger, 29503 N. 107th Place, 85262, Chairman of the Environmental Quality Advisory Board, reminded citizens of the Household Hazardous Waste Event to be held April 2, 2005 at the Corporation Yard, and the EnviroKids Event to be held on April 28, 2005 at WestWorld, which is in need of volunteers. He also discussed the pilot recycling program to be held at the DC Ranch ball fields.

Mayor Manross closed public testimony.

MINUTES

SPECIAL MEETINGS
March 1, 2005

WORK STUDY SESSIONS
March 1, 2005

EXECUTIVE SESSIONS
December 6, 2004
March 1, 2005

VICE MAYOR DRAKE MOVED FOR APPROVAL OF THE ABOVE LISTED MINUTES, WITH THE ATTACHMENTS FOR THE SPECIAL MEETING MINUTES OF MARCH 1, 2005 TO INCLUDE THE WRITTEN COMMENTS OF JOHN ALEO. COUNCILMAN ECTON SECONDED THE MOTION, WHICH CARRIED 7-0.

CONSENT AGENDA ITEMS 1-21

ITEM 20 WAS REMOVED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION.

1. **Shadey O's (Restaurant) Liquor License**

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) and a person and location transfer of a series 6 (bar) liquor license for a location currently operating with an interim permit.

Location: 10893 N. Scottsdale Road

Reference: 69 and 70-LL-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

2. Nello's Pizza (Restaurant) Liquor License

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for a new location that previously operated as a retail use.

Location: 7213 E. First Avenue

Reference: 96-LL-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

3. Sol World Fusion (Restaurant) Liquor License

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for an existing location that previously operated as Sushi N' Rock Karaoke.

Location: 15111 N. Hayden Road, #180

Reference: 6-LL-2005

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

4. Jade Palace Chinese Dining (Restaurant) Liquor License

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for an existing location that previously operated as Gregory's World Bistro.

Location: 8120 N. Hayden Road

Reference: 7-LL-2005

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

5. Parmigiano (Restaurant) Liquor License

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for a new location.

Location: 23535 N. Scottsdale Road, 102

Reference: 8-LL-2005

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

6. Plaza Leyenda RV Storage Conditional Use Permit

Request: Consider a conditional use permit for an unoccupied recreational vehicle storage facility on a 9.5 +/- acre parcel located at the northwest corner of Shea Boulevard and 116th Street with Highway Commercial District (C-3) zoning.

Location: Northwest corner of Shea Boulevard and 116th Street

Reference: 21-UP-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

Austin Condon, 11284 E. Sahuaro Drive, 85259, expressed concerns about this project fitting in with the character of the neighborhood, and requested there be sufficient screening of the stored vehicles.

It was noted that there is a stipulation in place regarding the visibility of vehicles, and other concerns will receive further review by the Development Review Board.

7. Horseman's Park - 98th Street and McDowell Mountain Ranch Road

Requests:

1. Rezone from Single Family Residential, Planned Community District, Environmentally Sensitive Lands District (R1-35 PCD ESL), to Service Residential, Planned Community District, Environmentally Sensitive Lands District (S-R PCD ESL) on a 4.6 +/- acre parcel located at the Northeast corner of McDowell Mountain Ranch Road and 98th Street.

2. Adopt Ordinance No. 3612 affirming the above rezoning.

Location: Northeast corner of McDowell Mountain Ranch Road and 98th Street

Reference: 21-ZN-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

Lyle Wurtz, 6510 E. Palm Lane, 85257, read a letter from **Leon Spiro** (attached) indicating he was not in opposition to the rezoning, but wondered if the city was only abandoning their interest in these Federal Land Patent Roadway and Public Utility easement rights of way. Due to this question and other concerns, Mr. Spiro believed the city was at risk.

8. Three-year lease for the Communications and Public Affairs Office

Request: Adopt Resolution No. 6631 authorizing Agreement No. 2005-025-COS with the Lauinger Family Trust to lease office space at 7522 East First Street in Scottsdale for the City's Communications and Public Affairs (CAPA) office.

Related Policies, References:

Article I, Section 3A of the City Charter giving the City authority to acquire property for any city purpose, in fee or lesser interest such as a lease.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-231-0810, adreska@scottsdaleaz.gov; Pat Dodds, Communications and Public Affairs Officer, 480-312-2336, pdodds@scottsdaleaz.gov

9. Construction Bid Award for New Pump Station and Modifications to Well Sites as Part of the City's Arsenic Mitigation Program

Request: Authorize Construction Bid Award No. 05PB025 for New Pump Station #55C located at the CAP Water Treatment Plant, and Modifications to Well Sites 38, 54, 106, 108, 115 and 122, located in north Scottsdale between Union Hills Drive and the Alameda Road alignment, to Currier Construction, Inc., the lowest responsive bidder, at their lump sum bid of \$3,822,000.

Related Policies, References:

- a. 2001 Water Resources Master Plan, approved by City Council on October 15, 2001.

- b. Council approved Engineering Services Contract No. 2002-139-COS with Narasimhan Consulting Services for conceptual design of arsenic treatment facilities and associated pipelines on November 18, 2002.
- c. Council approved Engineering Services Contract No. 2004-016-COS with Valentine Environmental Engineers, LLC for final design of pipelines associated with the Arsenic Mitigation Program on March 2, 2004.
- d. Council authorized Construction Bid Award No. 05PB026 to Barnard Construction Company, Inc. for the construction of the West Leg Water Transmission Main associated with the Arsenic Mitigation Program on February 22, 2005.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov

10. Scottsdale Housing Five-Year 2005-2009 Agency Plan and Annual Plan for Fiscal Year 2005/06

Request: Adopt Resolution No. 6627, which approves the five-year 2005-2009 Agency Plan and Annual Plan for Fiscal Year 2005/06 for the operation of the Section 8 rental assistance program (Housing Choice Voucher) with funding from the United States Department of Housing and Urban Development (HUD) and authorizes submittal of the Plans to HUD. The resolution also authorizes the acceptance of any Housing Vouchers offered to assist current tenants of properties opting out of federal assistance, and acceptance of up to 30 Fair Share Housing Vouchers if HUD offers them in the 2005/06 program year.

Related Policies, References: Resolution No. 5501, passed and adopted on March 20, 2000, which approved the five-Year and Annual Agency Plan and submittal of the Plan to HUD.

Staff Contact(s): Debra Baird, Community Services General Manager, 480-312-2480, dbaird@scottsdaleaz.gov

11. Construction Bid Award for the Arsenic Removal Water Treatment Facility at Site 115

Request: Authorize Construction Bid Award No. 05PB088 for the Arsenic Removal Water Treatment Facility at Site 115, located at 21790 North Hayden Road, to MMC Southwest, Inc., the lowest responsive bidder, at their lump sum bid of \$12,925,000.

Related Policies, References:

- a. 2001 Water Resources Master Plan, approved by City Council on October 15, 2001.
- b. Council approved Engineering Services Contract No. 2002-139-COS with Narasimhan Consulting Services for conceptual design of arsenic treatment facilities and associated pipelines on November 18, 2002.
- c. Council approved Engineering Services Contract No. 2004-017-COS with CH2M Hill, Inc. for design of this arsenic treatment facility on March 16, 2004.
- d. Council authorized Construction Bid Award No. 05PB026 to Barnard Construction Company, Inc. for the construction of the West Leg Water Transmission Main associated with the Arsenic Mitigation Program on February 22, 2005.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov

12. Construction Bid Award for the Relocation of Arenas 6, 7 and 8 at WestWorld

Request: Authorize Construction Bid Award No. 05PB049 for the construction of three arenas at WestWorld to Ardavin Builders, Inc. at their lump sum bid.

Related Policies, References:

- Development Review Board approved Case No. 116-DR-93, #2, 3 and 4, in May 1994, which related to WestWorld entry signage, re-vegetation, and Western Theme Park design guidelines.
- The Planning Commission recommended approval of Case No. 20-ZN-1995 #2, the WestWorld Master Development Site Plan on January 28, 2003.
- Council approved the WestWorld Master Development Site Plan on March 18, 2003.
- Development Review Board approved Case No. 41-DR-2003, WestWorld Design Guidelines, on July 10, 2003.
- Council approved Architectural Services Contract No. 2004-007-COS with Deutsch Associates on February 3, 2004 for the design of the three arenas.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov

13. Green Building (LEED™) Policy for New City Construction and Remodels of LEED™ Buildings

Request: Adopt Resolution No. 6644 approving the following policy for future city capital improvement projects:

- All new, occupied (as defined by the City's building code), city buildings, of any size, will be designed, contracted and built to achieve certification in the Leadership in Energy and Environmental Design (LEED™) Program at the Gold certification level, and to strive for the highest level of certification (currently Platinum) whenever project resources and conditions permit.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov; Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov

Daniel Basinger, 29503 N. 107th Place, 85262, Chairman of the Environmental Quality Advisory Board, thanked the board and all staff who had worked so diligently on the policy.

Council added their congratulations and thanks to everyone as well, especially to Anthony Floyd.

Seventeen additional comment cards were received from citizens in favor of the policy but not wishing to speak.

14. Architectural Services Contracts for Design of the McKellips Service Center Campus Public Safety and Maintenance Facilities

Request: Authorize Architectural Services Contract No. 2005-029-COS with Durrant in the amount of \$1,756,744, and Architectural Services Contract No. 2005-030-COS with Larson Associates, Architects in the amount of \$1,207,018 for the design of the McKellips Service Center Campus Facilities. The facilities to be designed include:

- Police Operational Support Facility
- Police District One Station
- Fleet Maintenance Facility
- Fleet Fueling Facilities
- Parks and Grounds Maintenance Facility

Related Policies, References:

- Council authorized Architectural Services Contract 2000-197-COS on May 14, 2001 for a Police Department master planning and site evaluation study.

- Council approved the Municipal Use Master Site Plan for this combined use campus on April 5, 2004.
- The Development Review Board approved the site plan and elevations for the proposed Police Department facilities on May 6, 2004.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov

15. Enterprise Document Management Contract

Request: Authorize a contract modification to Enterprise Document Management Contract No. 2004-013-COS with 5280 Solutions, Inc. of Highlands Ranch, Colorado. This is the second contract modification, and extends Enterprise Document Management to the Planning and Development Services Department. It modifies the following three agreements within the original contract: Services Agreement, Software License Agreement, and Maintenance/Support Agreement. The project total for this modification is \$222,231.

Related Policies, References: Pursuant to ARS 41-1351, using State of Arizona guidelines, the City has set record retention schedules that have been approved by the state. The Records Management module available with this product allows records managers, human resources professionals and other central records constituents to design, implement, and execute a comprehensive records management discipline, including disposition of both electronic and physical documents.

Staff Contact(s): Brad Hartig, Chief Information Officer, 480-312-7615, bhartig@scottsdaleaz.gov

16. Amendments to the Scottsdale Revised Code Relating to Stopping, Standing and Parking of Motor Vehicles

Request: Adopt Ordinance No. 3609, amending Article V of Chapter 17 of the Scottsdale Revised Code, Relating to the Stopping, Standing and Parking of Motor Vehicles.

Related Policies, References: Previously approved Contract 2004-109-COS relating to the purchase of parking enforcement hardware and software dated July 7, 2004.

Staff Contact(s): John C. Little, Executive Director, Downtown Group, 480-312-2539, jlittle@scottsdaleaz.gov; Craig Clifford, General Manager, Financial Services, 480-312-2364, cclifford@scottsdaleaz.gov

Michael Merrill, 8713 E. Vernon Avenue, 85257, noted the amendments pertained only to the downtown area, and suggested staff look at parking issues in all areas of the community. He presented several photographs alleging violations throughout the city.

Council members agreed the enforcement of parking issues in neighborhoods needed to improve, and it was noted that additional code enforcement and police personnel were being requested as part of the budget process.

17. Intergovernmental Agreement (IGA) With the Arizona Department of Transportation (ADOT) to Construct the Pima Road Multi-Use Path from Via Linda to Inner Circle

Request: Adopt Resolution No. 6592 authorizing IGA No. 2005-040-COS with ADOT to construct the Pima Road Multi-Use Path from Via Linda to Inner Circle.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov

- 18. Water Service Agreement for Lot 8 of the Carefree Ranch Homesteads Subdivision**
Request: Adopt Resolution No. 6638 authorizing Water Service Agreement No. 2005-031-COS for Lot 8, Carefree Ranch Homesteads, Maricopa County Tax Assessor Parcel No. 219-47-051, with the Ashbyrgen Land Company, LLC.
Staff Contact(s): David M. Mansfield, 480-312-5681, Water Resources General Manager, dmansfield@scottsdaleaz.gov
- 19. Intergovernmental Agreement (IGA) with the City of Phoenix for Fire Equipment Procurement**
Request: Adopt Resolution No. 6645 authorizing the City Manager to sign Intergovernmental Agreement #2005-038-COS with the City of Phoenix for fire equipment procurement.
Related Policies, References: Scottsdale City Charter, Article I, Section 3-1, Intergovernmental relations.
Staff Contact(s): William L. McDonald, Fire Chief, 480-312-1880, wmcDonald@scottsdaleaz.gov
- 20. Contribution Rates for Employee Health and Dental Benefits**
REMOVED FROM CONSENT AGENDA FOR SEPARATE DISCUSSION – SEE BELOW.
- 21. Contract for Employee Dental Preferred Provider Network and Administrative Services**
Request: Authorize contract #2005-037-COS with Delta Dental of Arizona to provide preferred provider network and administrative services and discounts, and related customer support to implement the city's "self-insured" dental insurance option (referred to as "Delta Dental PPO") beginning July 1, 2005.
Related Policies, References:
1. Scottsdale Revised Code Section 14-102 relating to the contribution of city funds for employee insurance benefits.
2. Scottsdale Revised Code Sections 2-180 through 2-215 relating to procurement.
Staff Contact(s): Neal Shearer, Assistant City Manager, 480-312-2604, nshearer@scottsdaleaz.gov

MOTION AND VOTE – CONSENT AGENDA

COUNCILMAN OSTERMAN MOVED FOR APPROVAL OF CONSENT AGENDA ITEMS 1 THROUGH 21, WITH THE EXCEPTION OF ITEM 20, AND TO APPROVE OPTION "A" IN ITEMS 9-15, 17 AND 18. COUNCILMAN LANE SECONDED THE MOTION, WHICH CARRIED 7-0.

ITEM 20 REMOVED FROM CONSENT AGENDA FOR SEPARATE DISCUSSION:

- 20. Contribution Rates for Employee Health and Dental Benefits**
Request: Adopt Resolution No. 6650 to approve contributions rates for employee health and dental benefit premiums for FY 2005/06.
Related Policies, References:

- Scottsdale Revised Code Section 14-102 relating to the contribution of City funds for employee insurance benefits.
- September 23, 2003 Council action to authorize employee health care and life insurance benefits.
- December 8, 2003 Council actions to authorize Benefit Plan Documents, Summary Plan Descriptions and Contribution Rates.

Staff Contact(s): Neal Shearer, Assistant City Manager, 480-312-2604,
nshearer@scottsdaleaz.gov

Staff presented a recommendation for maintaining the same contribution rates for employee health and dental benefit premiums for FY 2005/06, explaining that the action was needed before approval of the budget because of the change from a calendar benefit-contract year to a fiscal benefit-contract year.

Discussion:

- A question was raised as to whether or not it is reasonable to ask taxpayers to pay 100% of the cost of health insurance for city employees. It was also asked if it was reasonable to ask taxpayers to pay an average of an additional 87% of employees' family health insurance.
- It was observed that there appeared to be an imbalance in the distribution of costs, and it was suggested that the plan should begin to reflect a gradual rebalancing of the distribution of premium costs between the City and its employees.
- The City's present contribution rate for employees is a fixed dollar amount that was determined when insurance rates were first set up in January 2004. This amount may be adjusted each year, after review and analysis of all cost sharing strategies including deductibles, office visits, co-payments and co-insurances.
- Due to a combination of factors involved in the setting of premium rates, staff made the recommendation not to adjust the contribution rates at this time, and suggested reviewing and analyzing a number of years of history before recommending any adjustments. Actuarial analyses will continue to be brought to Council on an annual basis.
- In comparison with other local municipalities, the City's and the employees' costs are currently among the lowest.
- Most Council Members commented favorably on the plan, and supported delaying making adjustments until the total benefit package and historical information could be analyzed.

MOTION AND VOTE – ITEM 20

COUNCILMAN ECTON MOVED FOR APPROVAL OF ITEM 20, RESOLUTION 6650.
COUNCILMAN OSTERMAN SECONDED THE MOTION, WHICH CARRIED 6-1 WITH
COUNCILMAN MCCULLAGH DISSENTING.

REGULAR AGENDA

ITEMS 22 - 24

- 22. The Legends At Toscana Rezoning Requests:**

1. Rezone from Single Family Residential District (R1-35) to Single Family Residential District Planned Residential District (R1-10 PRD) with amended development standards on a 10 +/- acre parcel located at 12855 N. 94th Street (Southeast corner of Sweetwater Avenue and 94th Street).
2. Adopt Ordinance No. 3595 affirming the above rezoning and amended development standards.

Location: 12855 N. 94th Street

Reference: 16-ZN-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

A staff presentation reviewed the history and previous actions concerning the property, the zoning of surrounding properties, and the relationship with the Cactus Corridor Study area. The Planning Commission voted to approve the proposed R1-10 PRD with twenty-six lots.

The applicant and his attorney presented the following:

- The applicant agreed to reduce the request to twenty-five lots.
- The application is consistent with the General Plan and with the Cactus Corridor Study.
- The property is not adjacent to the Cactus Corridor.
- The parcel is no longer conducive to a working ranch as it is totally surrounded by housing developments.
- A precedent has already been set in the area for four homes to the acre; therefore, this request will not set a precedent.
- Homeowners in the general area of the property are in unanimous support of the rezoning.
- The applicant's attorney suggested adding language (copy attached) to the case reiterating, "the granting of this request was based on the unique character and location of the property and surrounding neighborhoods, it may not and will not be considered as a precedent for rezoning of any other large properties in the Cactus Corridor."

Mayor Manross opened public testimony.

Dick Heesch, 8767 E. Via Del Arbor, 85258, spoke in support of the case, noting the density will be less than the surrounding properties.

K. K. DuBois, 9420 E. Cactus Road, 85260, spoke on behalf of the development as it is boxed in by other developments. She noted that as an active horse ranch owner who wants the Cactus Corridor preserved, she still feels it is right to approve this case.

Jackie Reichman, 12926 N. 95th Way, 95260, President of Sweetwater Ranch HOA, said all homeowners are in support of the application. The property is an island and will not threaten the horse community.

Susan Wheeler, 9616 E. Kalil Drive, 85260, spoke in opposition, saying the zoning should be R1-18 like all the other developments that have been zoned since the Cactus Corridor Study was completed. She stated the Study was performed to control density and protect the horse community.

Dawn Brokaw, 9909 E. Paradise Drive, 85260, opposed the case because she does not want to lose the character of the area and wants to send a message to staff to support R1-18.

Josh Weiss, 9421 E. Dreyfus Place, 85260, said he supports the rezoning, supports equestrians, and supports the Cactus Corridor.

Mayor Manross closed public testimony.

Staff clarified the following:

- A graphic indicated the property was in Category 14 of the General Plan, allowing two to four units per acre.
- The additional language suggested by the applicant could be on record as a declaration of Council's intent, but may not be binding.
- With R1-18 zoning, the maximum lots allowed would be twenty-three.

Discussion:

- Support was expressed for the R1-18 zoning, as a reasonable compromise that would make everyone happy and send a message of Council's intent to protect the area. A concern was also raised that the case would set a precedent for R1-10 zoning in the area.
- Some Council members disagreed, stating that the property was not in the Cactus Corridor Focus Area, it did not set a precedent, and that the requested rezoning would fit in with the surrounding neighborhood. They further stated a belief that the rezoning conforms to the General Plan, respects the Cactus Corridor, and has unanimous support of the neighbors.

MOTION 1 – ITEM 22

COUNCILMAN LITTLEFIELD MOVED TO DENY ITEM 22, CASE 16-ZN-2004. COUNCILMAN OSTERMAN SECONDED THE MOTION, WHICH FAILED 3-4, WITH MAYOR MANROSS AND COUNCIL MEMBERS ECTON, LANE, AND MCCULLAGH DISSENTING.

Further discussion was held with the applicant who agreed to lower the maximum units to twenty-three with R1-10 zoning. Some Council members expressed concern about this approach and what it accomplished, while others felt it was a good compromise that placed emphasis on getting the number of units down to the range of R1-18.

MOTION 2 – ITEM 22

VICE MAYOR DRAKE MOVED TO APPROVE ITEM 22, CASE 16-ZN-2004, WITH R1-10 PRD ZONING AND ADDING A STIPULATION THAT THE NUMBER OF LOTS BE REDUCED TO TWENTY-THREE. COUNCILMAN MCCULLAGH SECONDED THE MOTION, WHICH CARRIED 6-1, WITH COUNCILMAN LITTLEFIELD DISSENTING.

23. Public Hearing for Adjustment of Water, Water Resources and Sewer Development Fees

Request: Conduct a Public Hearing and accept citizen comment on City's intention to adjust Water Development, Water Resources Development and Sewer Development Fees with a construction cost index increase of 8.8% effective July 5, 2005.

Staff Contact(s): David M. Mansfield, Water Resources General Manager, 480-312-5681, dmansfield@scottsdaleaz.gov

A presentation by staff covered the following:

- A description of development fees and where they will be applied.
- Development fee planning zones, and how fees are determined.
- Proposed fees reflect the Engineering News Record construction cost index increase of 8.8 percent.
- As an example, a one-acre lot in Zones B-E would have an increase of \$1,086.33 in development fees.
- A comparison with other cities indicates Scottsdale's development fees will remain slightly lower than those of Phoenix and Glendale.
- The next steps in this process would be adoption of new fees on April 5, 2005, with an effective date of July 5, 2005.

No citizen comment cards were submitted for this public hearing. No motion was necessary.

24. Consideration of a Citizen Petition Identifying Resident Opposition to a Proposed Median Cut on 64th Street South of Thomas Road, on the Grounds of Traffic Safety

Request: The petition was provided to Council at the February 22, 2005 City Council meeting. The petition states the residents wish to go on record protesting any cut in the median on 64th Street south of Thomas, as they believe it will create a very dangerous traffic situation for everyone using 64th Street going north or south.

Staff Contact(s): Mary O'Connor, Transportation General Manager, 480-312-2334, moconnor@scottsdaleaz.gov

Staff gave a presentation covering:

- The history of the widening of 64th Street from McDowell to Thomas that was completed in 1998.
- The history for the Arcadia Commons Project at the intersection of Thomas and 64th Street, and the request to allow a U-turn on 64th Street for access to the site's southern entrance.
- Neighborhood concerns regarding lack of prior notification, safety, and traffic flow.
- Recommendations and alternatives for consideration that would allow the median cut, re-establish city staff contact with the neighborhood on an on-going basis to provide communication of other projects and concerns, create a neighborhood contract with the City to ensure continuing staff commitment to monitoring and enhancement of the area, monitor traffic operations and the safety of the median cut, improve landscape maintenance around walls, and consideration of providing a right-turn lane at the 64th/Thomas intersection in an upcoming CIP project.

Mayor Manross opened public testimony.

Kimball Rose, 6419 E. Windsor, 85257, spoke in opposition to the median cut, and pointed out that traffic backed up from Thomas to Wilshire around 4:30 PM each day, creating additional safety hazards to the community.

Lyle Wurtz, 6510 E. Palm Drive, 85257, expressed his opposition, questioning why no studies were done before the developer was given approval, and why this business was being accommodated to the inconvenience of others.

Mayor Manross closed public testimony. Two additional comment cards were received from citizens opposed to the item but not wishing to speak.

Discussion:

- It was clarified that the developer of the Arcadia Commons Project was paying for the median cut in its entirety.
- Staff reported that lack of access to the property has been a concern of buyers for a long period of time.
- Staff reported the development would include professional offices that will not create significant traffic impact.
- The proposed median cut appears to be safer than allowing U-turns at Wilshire, and support was expressed for placing a 'No U-Turn' sign at Wilshire.
- Based on neighborhood meetings and communications, it was recognized that the residents would know what was best for their neighborhood and it appeared that the residents did not want the median cut.
- Staff indicated that, from a traffic perspective, providing median cuts for U-turns, is a safe and recommended procedure.
- Staff reported that the developer has been given approval at the staff level, but no final plans have been made for the median cut.
- Staff said it is perceived, but not known, whether or not the median cut will exacerbate the backup problem at Thomas, and affirmed that the issue can be studied.

MOTION 1 – ITEM 24

COUNCILMAN LITTLEFIELD MOVED TO PLACE THE ORIGINAL STAFF APPROVAL OF THE MEDIAN CUT ON HOLD. THE MOTION DIED FOR LACK OF A SECOND.

The City Manager suggested directing staff to come up with performance standards and criteria for operation of the median cut and report back to Council one year after installation. In addition, staff would study the traffic backup issue and a possible redesign of the 64th and Thomas intersection for feasibility of a right-turn lane; including costs, the timeframe, and whether or not it would alleviate backup traffic. Staff will also continue working with neighbors on a regular schedule to involve them in the analysis process, place a 'No-U-Turn' sign at Wilshire and provide an analysis of the impact.

MOTION 2 – ITEM 24

COUNCILMAN OSTERMAN MOVED TO 1) DIRECT STAFF TO COME UP WITH PERFORMANCE STANDARDS AND CRITERIA TO ANALYZE THE OPERATION OF HOW THE U-TURN WORKS AND REPORT TO THE COUNCIL A YEAR FROM THE ACTUAL INSTALLATION OF THE MEDIAN CUT, AT WHICH TIME THE COUNCIL COULD DETERMINE WHETHER OR NOT TO AGENDIZE FOR FURTHER DISCUSSION, MODIFY, OR REMOVE THE MEDIAN CUT; 2) COMMIT TO UNDERTAKING A STUDY OF THE INTERSECTION OF 64TH STREET AND THOMAS WITH THE GOAL OF ALLEVIATING TRAFFIC BACKUP THAT OCCURS ON NORTHBOUND 64TH STREET; 3) PUT A "NO U-

TURN" SIGN AT WILSHIRE BOULEVARD CONCURRENT WITH THE COMPLETION OF THE MEDIAN CUT; AND 4) ENGAGE THE NEIGHBORHOOD IN A MEANINGFUL WAY IN THE REVIEW AND ANALYSIS OF THE MEDIAN CUT AND THE INTERSECTION. COUNCILMAN LANE SECONDED THE MOTION, WHICH CARRIED 6-1 WITH COUNCILMAN LITTLEFIELD DISSENTING.

PUBLIC COMMENT

Dawn Brokaw, 9909 E. Paradise Drive, 85260, expressed concerns regarding traffic, recreational use of trails and safety of riders and livestock and sought Council assistance in establishing trails.

Susan Wheeler, 9616 E. Kalil, 85260, stated that neighbors had met and agreed on roundabouts on Cactus Road, emphasizing that it is the core of the Cactus Corridor study area and its main function is to move horses. Ms. Wheeler requested that Council continue to support projects for trails and improvements.

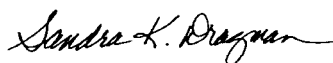
CITY MANAGER'S REPORT - None

MAYOR AND COUNCIL ITEMS - Councilman McCullagh suggested a meeting to study parliamentary procedures.

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 9:25 P.M.

SUBMITTED BY:



Sandy Dragman
Recording Secretary

REVIEWED BY:



Carolyn Jagger
City Clerk

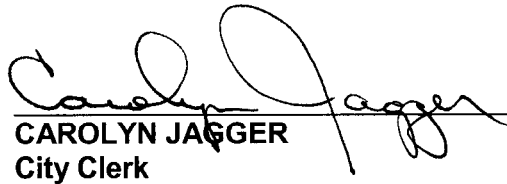
Officially approved by the City Council on April 12, 2005

CERTIFICATE

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the City Council of Scottsdale, Arizona held on the 22nd day of March 2005.

I further certify that the meeting was duly called and held, and that a quorum was present.

DATED this 13th day of April 2005.



CAROLYN JAGGER
City Clerk

CITIZEN PETITION TO CITY COUNCIL

2005 MAR 22 PM 4:42

We the undersigned are filing a Petition as provided for by the City Charter.
We are requesting that the City Council halt the 96th St. Road Construction Project and ALL other road projects involving Roundabouts and Traffic Circles until the Council can evaluate the Road designs. We are also requesting that the Transportation Department be required to perform an adequate survey of opinions of the Residents in the Neighborhood before proceeding with the 96th St. project.

Oce Ivanisko	3-22-05	9705 E. Cholla St
Mar Carpenter	3-22-05	9723 E. Cholla St. 85260
Deise Jadow	3-22-05	11740 N 93rd Pl 85260
Charles Wood	3-21-05	9630 E. YUCCA ST. 85260
Sue Murphy	3-21-05	9819 E Gary
Marilyn Embree	3-21-05	8503 E. JENAN DR. 85260
Randy Mueller	3-21-05	10161 E Desert Cove
Janet Leopold	3-21-05	11198 E. Laurel Lane 85259
Kaye Cornell	3-21-05	8421 E. Cortez St. 85260
Susan Wood	3/21/05	9630 E Yucca St 85260
Jessica Martine	3-22-05	8278 E. Berndge Ln 85250
Julia August	3-22-05	9806 E. Gary Rd 85260
Ed. L. L...	3-22-05	11740 N. 93rd Pl 85260
Steve Patch	3/22/05	10290 E. Sierra La Rd. 85260

Lyle Wurtz

From: "leon spiro" <leonspiro@hotmail.com>
To: <strange2@cox.net>
Cc: <isaleo@msn.com>
Sent: Monday, March 21, 2005 10:23 PM
Subject: #7 Horseman's Park Rezoning.

Lyle: ~~Do you think you will be able to read this to the Council tomorrow? I will call you tomorrow. I am unable to make it.~~
~~Lepea~~ Council, Leon Spiro, North Scottsdale. Mayor, would you please ask your Staff to give to all in attendance a Staff Presentation of this request? First, I am "not" in opposition to this request by the applicant. But, once again, this is a GLO Parcel and even though councilman Ecton was thrilled with the presentation by Attorney/Professor Gary Birnbaum, and may I say, he was eloquent, he left some questions as to the correctness of his statements. But, regarding this GLO roadway Abandonment approved by the Council regarding this case, I ask, is the City only abandoning the "cities interest" in these Federal Land Patent Roadway and Public Utility easement rights of way? Also, is the Council still willing to ignore the fact that there may be a "private property right" and still authorize construction, blockage and fencing on these GLO Federally Patented Roadway Easements? Is this Council still willing to take the "risk" should there ever be a "private property right issue" Law Suit against the property owner, for the city may become a liable party because of their approving the Conceptual Site plan that is submitted this night by the applicant? Mayor, these questions should be answered now. In regard to Attorney /Professor Gary Birnbaum's statements as to Cave Creek's policy of abandoning the GLO's within their Town, if they do abandon, should their Staff approve of construction, blockage and fencing of these GLO roadway Easements, the owner has signed a "disclaimer" that he can either heed or ignore. With this disclaimer, the Town of Cave Creek, is saying, "you build at your own risk". The Town of Cave Creek should not be a libeled party. Regarding the Bernal versus Looks GLO roadway denial case, Attorney / Professor Birnbaum erred, I believe, in stating Mr. Bernal was land-locked. Mr. Bernal did have "ingress and egress" access on one side of his property. I believe Attorney Birnbaum used this reason of being "land-locked" as the reason for the Council to abandon the unneeded GLO's within the City of Scottsdale and the right of the owner to build a swimming pool on the GLO Roadway easements. ? You should reconsider your approval of this "Conceptual Site Plan". Also, once again, as Attorney Mike Foster, who was at that time, the Arizona State Private Rights Ombudsman Attorney at that time advised the Council, to request the "opinion" of the Arizona Attorney General regarding their GLO Roadway Easement Abandonment policy. He stated also, if he were asked, he would advise "hands off". Two attorneys, two different opinions. Are you still willing to take the "risk"? Thank you.

leonspiro@hotmail.com

Sample City Council proviso regarding the Buffalo rezoning - Draft #2

With the adoption of this zoning change, the public and Cactus Corridor area property owners are on notice that this zoning change is granted because the Buffalo Ranch property is unique in that it is totally surrounded by high density development (R-4 and R1-7) and is no longer useful as a horse or animal property and has been isolated from the Cactus Corridor by the higher density development; and

as the subject property is located west of 96th Street, its suburban character is dictated by the existing surrounding higher density development; and

as the granting of this request is based on the unique character and location of this property and the surrounding neighborhoods, it may not and will not be considered as a precedent for the rezoning of any other large properties in the Cactus Corridor.